

Translation

PATENT COOPERATION TREATY


PCT

PCT Application  
PCT/CN2004/001411



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference OP040074P		<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/CN2004/001411		International filing date (day/month/year) 03.Dec.2004(03.12.2004)		Priority date (day/month/year) 05.Dec.2003(05.12.2003)
International Patent Classification (IPC) or national classification and IPC IPC <sup>7</sup> : A61K9/48, A61K31/34				
Applicant SHIJIAZHUANG PHARMA. GROUP ZHONGQI PHARMACEUTICAL TECHNOLOGY (SHIJIAZHUANG) CO., LTD et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 27.Jun.2005(27.06.2005)		Date of completion of this report 05.Sep.2005(05.09.2005)		
Name and mailing address of the IPEA/CN The State Intellectual Property Office, the P.R.China, 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China 100088		Authorized officer 		
Facsimile No. 86-10-62019451		Telephone No. 86-10-62085085		

**Box No. I Basis of the report**1. With regard to the **language**, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the claims:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \* \_\_\_\_\_ as amended (together with any statement) under Article 19
- pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN2004/001411**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement:

Novelty (N)	Claims 1—11	YES
	Claims	NO
Inventive step (IS)	Claims 1—11	YES
	Claims	NO
Industrial applicability (IA)	Claims 1—11	YES
	Claims	NO

## 2. Citations and explanations (Rule 70.7)

## 1) Reference is made to the following documents:

D1: CN1375288A (ZHOU Guirong) 23.10.2002

D2: CN1257706A (CHINESE ACAD MEDICAL SCI INST MEDICAL MA) 28.06.2000

D3: WO9500157A (MOBIUS CONSULTANCY PTY. LTD) 05.01.1995

## 2) Novelty (Art.33(2) PCT) and inventive step (Art.33(3) PCT):

D1 disclosed a liposome composed of butylphthalide and phosphatide emulsification for treatment of cerebrovascular disease (see the whole); D2 disclosed an application of butylphthalide in preparing medicines for curing thrombosis and thrombocyte coagulation (see the whole); D3 disclosed a method for the treatment of an inflammatory complaint and the therapeutic agent thereof including butylphthalide and filler (see the whole). The subject-matter of claim 1-11 is thus novel in view of the available prior art since no document disclosed the soft capsule involving the specific diluent and coating material. Nor did the documents give a suggestion or hint to come to the solution as set out in claims 1-11, and therefore they are considered as involving an inventive step.

## 3) Industrial applicability (Art.33(4) PCT):

The subject-matter of claims 1-11 concerning clathrate and the corresponding preparation are industrially applicable under Article 33(4) PCT.